In the Supreme Court of the United States

OCTOBER TERM, 1965

No. 902

PELLEGRINO MILLO, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

Petitioner was convicted on a two-count indictment charging him with violating 26 U.S.C. 7203 by willfully failing to purchase the occupational tax stamp required by 26 U.S.C. 4411 and by willfully failing to register as required by § 4412; he was sentenced to imprisonment for one year and fined $10,000. His case is one of a number arising out of a coordinated campaign against violators of the Wagering Tax Statute in the Bridgeport, Connecticut area. Other cases arising from the same campaign are before this

Court on petitions filed by James Marchetti (No. 823), Frank Costello (No. 826), Arthur Gjanci (No. 1028 Misc.), Stanley Markis (No. 848), Alfred Grassia (No. 906), Carl Piccioli (No. 849), and Albert P. Moretti (No. 951). This petition claims that the statute offends the Fifth Amendment and that its specific enforcement violates the Tenth Amendment. Both questions have been raised by all petitioners, and have been treated in our combined brief in answer to the petitions filed by Marchetti, Costello and Gjanci.* See also *United States* v. *Angelini*, 346 F. 2d 278 (C.A. 7), certiorari denied, 382 U.S. 838. For the reasons stated in that brief, it is respectfully submitted that this petition for a writ of certiorari should be denied.

THURGOOD MARSHALL,
Solicitor General.

FEBRUARY 1966.

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* Copy of that brief is being served upon petitioner.

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